

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION

UNITED STATES OF AMERICA,)
)
)
v.) CR417-115
)
DARYL WASHINGTON)

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA
FILED
Scott L. Poff, Clerk
United States District Court
By James Burrell at 11:44 am, Feb 28, 2018

REPORT AND RECOMMENDATION

On September 7, 2017, the Court ordered a forensic psychological examination of defendant Daryl Washington¹ in accordance with 18 U.S.C. § 4241(a) and (b) to assess both his mental competency for trial and his criminal responsibility for the charged offense. Doc. 18. He has since undergone a comprehensive psychological evaluation at the Municipal Correction Center in Chicago, Illinois. Doc. 22. His evaluators found that he is competent to stand trial and that he was sane

¹ Defendant's name is spelled inconsistently on the docket and in the various filings in this case. The indictment, for example, lists his name as "Darryll Washington, doc. 1 at 1, but the Order for a psychological evaluation lists his name as "Darryl Washington." Doc. 18 at 1. The forensic psychologist's report and defendant's own "Request for Recommendation / Consideration for Mental Health Hospitalized treatment [sic] Facility / Mental Health Court" both list his name as "Darryl." Doc. 22 (Psychiatric Report); doc. 21 (defendant's *pro se* filing). Since these documents suggest defendant's name is properly spelled "Darryl," the Clerk is **DIRECTED** to correct the docket. If, on the contrary, it should be spelled "Darryll," defense counsel shall file a notice stating the correct spelling and the Clerk shall correct the docket to conform.

at the time of the offense. *Id.* at 12; doc. 22-1 (Addendum to report reflecting opinion that Washington was sane at the time of the offense).

Both defendant and the government stipulate that the report should be admitted as the sole evidence on the issue of competency. Doc. 24. The Court concurs with the report's unrebuted findings and concludes that Washington is not presently suffering from a mental disease or defect rendering him mentally incompetent to stand trial. It is therefore **RECOMMENDED** that defendant be found competent to stand trial pursuant to 18 U.S.C. § 4241.

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The

district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 28th day of February, 2018.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA